

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION**

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|------------------------------------|---|----------------------------|
| BREND A BURTON and HOLLIE TELFORD, |) | |
| |) | |
| Plaintiffs, |) | Case No. 3.16-CV-03033-RAL |
| |) | |
| v. |) | |
| |) | MOTION TO DISMISS |
| DEPARTMENT OF HOUSING AND URBAN |) | PLAINTIFFS' SECOND |
| DEVELOPMENT, <i>et. al.</i> , |) | AMENDED COMPLAINT |
| |) | PURSUANT TO |
| |) | FED. R. CIV. P. 12(b)(2) |
| Defendants. |) | AND 12(b)(3) |
| |) | |

**CENTURYLINK PUBLIC COMMUNICATION, INC.'S MOTION TO DISMISS
PLAINTIFFS' SECOND AMENDED COMPLAINT**

Defendant, CenturyLink Public Communications, Inc., by and through its attorney, moves to dismiss all claims asserted against it in the Second Amended Complaint (Docket 11) pursuant to Fed. R. Civ. P. 12(b)(2) and (3). The motion is supported by the Brief in Support of Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(3) and the Affidavit of Sean Lindsay filed contemporaneously with this motion.

Based on the foregoing, CenturyLink Public Communications, Inc. respectfully requests an order dismissing all claims asserted against it pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(3).

Dated: December 27, 2016

s/ Jason R. Sutton
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CERTIFICATE OF SERVICE

I, Jason R. Sutton, hereby certify that I am a member of the law firm of Boyce Law Firm, LLP and that on the 27th day of December 2016, and I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and a true and correct copy was served via first-class mail on the following individuals whose address is current on file as receiving manual notifications:

Glenn Ambort
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s/ Jason R. Sutton
Filed Electronically
Jason R. Sutton